

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

741Q0454

HOUSE BILL NO. 1285

Introduced by: Representatives Wink, Bolin, Brunner, Carson, Hoffman, Hunhoff (Bernie),
Kopp, Olson (Betty), Schrempp, Steele, Turbiville, Van Gerpen, and Wismer
and Senators Rhoden and Kloucek

1 FOR AN ACT ENTITLED, An Act to place certain restrictions on the granting of easements
2 associated with pipelines.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 43-13 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any property owner may grant an easement for any underground pipeline facility for the
7 transmission and distribution of water, natural gas, crude oil, ethanol, or refined petroleum
8 products in the same manner and with the same effect as a conveyance of an interest in real
9 property. The easement shall be created in writing. A complete copy of the easement agreement
10 shall be filed, and the easement duly recorded and indexed, in the office of the register of deeds
11 of the county in which the easement is granted. Any such easement runs with the land or lands
12 benefited and burdened and terminates upon the conditions stated in the easement. Any such
13 easement is void if the pipeline is not installed and in operation within ten years after the
14 easement took effect. Any such easement is void if the pipeline transmission and distribution



1 operations associated with the easement have ceased for a period of not less than one year. No
2 such easement applies to any new or separate pipeline not included within the terms of the
3 original easement.

4 If the easement holder mortgages or otherwise encumbers to any party any part of the
5 easement holder's rights and interests under the easement, the property owner shall be notified
6 of the mortgage or encumbrance. Any such mortgage or encumbrance on the easement is the
7 responsibility of the easement holder and does not attach to the land or obligate the property
8 owner. Each pipeline easement agreement shall include a statement disclosing that the easement
9 holder may mortgage or encumber any part of the easement holder's rights and interests under
10 the agreement unless otherwise specified in the agreement.